THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.22288 OF 2006

DATED 13th NOVEMBER, 2006

BETWEEN:

Smt.Konduru Amaravathi

… Petitioner

AND

The Joint Collector, Nellore District at Nellore and another.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.22288 OF 2006

ORDER:

Initially the writ petition was filed assailing the order of the Joint Collector, dated 18.07.2006, whereunder Pattadar Pass Books and Title Deeds (PPBs/TDs) issued to the petitioner in respect of the land admeasuring Acs.2.25 in survey No.85/4, situated in Polipadu village of Ozili Mandal in Nellore District, were cancelled by the first respondent in purported exercise of power under Section 9 of the A.P.Rights in Land and Pattadar Pass Books Act, 1971 (the Act, for brevity). At the time of preliminary hearing, it was pointed out by the learned Assistant Government Pleader for Revenue, the impugned order is consequential to the proceedings, dated 15.07.2006, whereunder the assignment made by way of
'D' Form patta in favour of the petitioner in 1993 was cancelled. Therefore, taking permission of this Court, the petitioner has amended the prayer in the writ petition seeking invalidation of proceedings of the first respondent cancelling the assignment as well as seeking invalidation of the proceedings in cancelling the PPBs/TDs.

The petitioner was assigned land admeasuring Acs.2.25 in

survey No.85/4 by proceedings, dated 28.03.1994 after resuming the land from the earlier licensee, one Guravaiah. The Mandal Revenue Officer (MRO) sent a report to the first respondent to the effect that the petitioner is residing at Gudur, that her husband is working as RTC Conductor, that in addition to the assigned land, the petitioner owns land admeasuring Acs.2.57, and that the petitioner raised Eucalyptus plantation in the assigned land. Based on the report, the first respondent initiated *suo motu* action and issued notice to the petitioner. The petitioner attended the enquiry on 24.06.2006. The first respondent after conducting enquiry came to the conclusion that the petitioner obtained assignment by misrepresentation though she is not eligible and accordingly cancelled the assignment by proceedings, dated 15.07.2006. Subsequently, by another proceedings, dated 18.07.2006, PPBs/TDs are also cancelled.

Learned counsel for the petitioner submits that at the time of assignment in 1994, the petitioner's husband was a petty employee and the same does not disentitle the petitioner for assignment of the land. Secondly, he submits that the petitioner has raised Eucalyptus plantation, which is ripe for harvest and if the assignment is cancelled now, she would be put to hardship. **Opposing the writ petition**, learned Assistant Government Pleader for Revenue submits that against the order passed by the Joint Collector, the petitioner has an effective alternative remedy of appeal before the Chief Commissioner of Land Administration (CCLA), Hyderabad, where he can raise all the grounds.

There cannot be any doubt that under Para 18 of BSO 15, against the order passed by the District Collector/Joint Collector cancelling the assignment on the ground of misrepresentation or fraud, a revision would lie to CCLA. If the petitioner files an appeal within a period of ten days from the date of receipt of copy of this order, the CCLA may entertain the appeal and pass appropriate orders within a period of three months therefrom. It shall be open to the petitioner to raise all the grounds before CCLA.

The writ petition is accordingly disposed of. As the petitioner was assigned land in 1994 and she raised Eucalyptus plantation, there shall be *status quo* as on today till the petitioner's appeal is disposed of by the CCLA. No costs.

(V.V.S.RAO,J)

13.11.2006
pln

Note: Dispatch copy of this order to CCLA, Hyderabad.

(By order)

pln